

ANALYSIS

This ordinance amends Title 5 - Personnel, of the Los Angeles County Code by:

- Adjusting the nonelective contribution rate for the Flexible Benefit Plan and the Nonpensionable Flexible Benefit Plan for the 2005 Plan Year, and deleting outdated provisions.

OFFICE OF THE COUNTY COUNSEL

By _____
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LJT:mag
09/03/04 (requested)
09/07/04 (revised)

ORDINANCE NO. _____

An ordinance amending Title 5 - Personnel of the Los Angeles County Code, relating to Fringe Benefit changes.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 5.27.040 is hereby amended to read as follows:

5.27.040 Contributions.

A. Nonelective Contributions. Except as otherwise provided herein, each month the County shall contribute to the Plan on behalf of each Participant an amount equal to the greater of ~~\$559~~91.00 or 10.0 percent of such Participant's Compensation for the preceding month beginning the 20035 Plan Year; provided, however, that no Nonelective Contribution shall be contributed for any Participant if he has not been in a pay status for at least eight hours during the prior month. Nonelective Contributions shall be reflected in County payroll warrants issued on or about the fifteenth day of the month following the month in which the requisite pay status was completed.

B. Elective Contributions. Each Eligible Employee prior to commencing his participation in the Plan and each Participant prior to the beginning of a Plan Year may irrevocably elect to have an additional dollar amount contributed by the County during a Plan Year for each month that he participates in the Plan as an Elective Contribution, not to exceed his Eligible Earnings for such month, and to have his Eligible Earnings reduced each month by an amount equal to such Elective Contribution; provided,

however, that no Elective Contribution shall be contributed for any Participant if he has not been in a pay status for at least eight hours during the prior month. Such Elective Contribution on behalf of a Participant each month shall equal the amount necessary to fund the Taxable Benefits and/or Nontaxable Benefits chosen by such Participant pursuant to the election procedure set forth in Section 5.27.060, after first applying the Nonelective Contribution for such month to the cost of such Taxable Benefits and/or Nontaxable Benefits. In the event of contractual renegotiation, change in method of funding, or substitution of a Taxable Benefit and/or Nontaxable Benefit during a Plan Year, the County, without prior notice to Participants, may automatically adjust the Elective Contributions made for, and/or the Eligible Earnings paid to, Participants who have selected such Taxable Benefits and/or Nontaxable Benefits, in accordance with increases or decreases in the cost of the Taxable Benefits and/or Nontaxable Benefits.

SECTION 2. Section 5.27.240 is hereby amended to read as follows:

5.27.240 Contributions.

A. Nonelective Contributions.

1. Except as otherwise provided herein, each month the County shall contribute to the Plan on behalf of each Participant an amount equal to the greater of \$~~770~~810.00 beginning the 20035 Plan Year or the amount designated in subsection A1a or b below, whichever is applicable:

a. 14.5 percent of the Participant's Compensation for the preceding month if the Participant is a Retirement Plan A, B, C, or D Member, and has

completed less than five years of continuous service as of the commencement of the current Plan Year;

b. 17.0 percent of the Participant's Compensation for the preceding month if the Participant is a Retirement Plan A, B, C, or D Member and has completed five or more years of continuous service as of the commencement of the current Plan Year, or if he is a Retirement Plan E Member; provided, however, that the percentage figures set forth in the following table shall apply in lieu of said 17.0 percent for any Participant, regardless of retirement plan, who has completed 10 or more years of continuous service as of January 1, 1991:

Continuous Service As of January 1, 1991	Nonelective Contribution
10 years	17.4%
11 years	17.8%
12 years	18.2%
13 years	18.6%
14 or more years	19.0%

2. In no event shall a Nonelective Contribution be made on behalf of any Participant who has not been in a pay status for at least eight hours during the prior month. Nonelective Contributions shall be reflected in County payroll warrants issued on or about the fifteenth day of the month following the month in which the requisite pay status was completed.

B. Elective Contributions. Each Eligible Employee prior to commencing his participation in the Plan and each Participant prior to the beginning of a Plan Year may irrevocably elect to have an additional dollar amount contributed by the County during a Plan Year for each month that he participates in the Plan as an Elective Contribution, not to exceed his Eligible Earnings for such month, and to have his Eligible Earnings reduced each month by an amount equal to such Elective Contribution; provided, however, that no Elective Contributions shall be contributed for any Participant if he has not been in a pay status for at least eight hours during the prior month. Such Elective Contribution on behalf of a Participant each month shall be equal to the amount necessary to fund the Taxable Benefits and/or Nontaxable Benefits chosen by such Participant pursuant to the election procedure set forth in Section 5.27.260A after first applying the Nonelective Contribution for such month to the cost of such Taxable Benefits and/or Nontaxable Benefits. In the event of contractual renegotiation, change in method of funding, or substitution of a Taxable Benefit and/or Nontaxable Benefit during a Plan Year, the County, without prior notice to Participants, may automatically adjust the Elective Contributions made for and/or the Eligible Earnings paid to, Participants who have selected such Taxable Benefits and/or Nontaxable Benefits, in accordance with increases or decreases in the cost of the Taxable Benefits and/or Nontaxable Benefits.

SECTION 3. Section 5.28.040 is hereby amended to read as follows:

5.28.040 Contributions.

A. Nonelective Contributions. Except as otherwise provided herein, each month the County shall contribute to the Plan on behalf of each Participant an amount equal to the greater of ~~\$559~~91.00 or 10.0 percent of such Participant's Compensation for the preceding month beginning the 20035 Plan Year; provided, however, that no Nonelective Contribution shall be contributed for any Participant if he has not been in a pay status for at least eight hours during the prior month. Nonelective Contributions shall be reflected in County payroll warrants issued on or about the fifteenth day of the month following the month in which the requisite pay status was completed.

B. Elective Contributions. Each Eligible Employee prior to commencing his participation in the Plan and each Participant prior to the beginning of a Plan Year may irrevocably elect to have an additional dollar amount contributed by the County during a Plan Year for each month that he participates in the Plan as an Elective Contribution, not to exceed his Eligible Earnings for such month, and to have his Eligible Earnings reduced each month by an amount equal to such Elective Contribution; provided, however, that no Elective Contribution shall be contributed for any Participant if he has not been in a pay status for at least eight hours during the prior month. Such Elective Contribution on behalf of a Participant each month shall equal the amount necessary to fund the Taxable Benefits and/or Nontaxable Benefits chosen by such Participant pursuant to the election procedure set forth in Section 5.28.060, after first applying the Nonelective Contribution for such month to the cost of such Taxable Benefits and/or

Nontaxable Benefits. In the event of contractual renegotiation, change in method of funding, or substitution of a Taxable Benefit and/or Nontaxable Benefit during a Plan Year, the County, without prior notice to Participants, may automatically adjust the Elective Contributions made for, and/or the Eligible Earnings paid to, Participants who have selected such Taxable Benefits and/or Nontaxable Benefits in accordance with increases or decreases in the cost of the Taxable Benefits and/or Nontaxable Benefits.

SECTION 4. Section 5.28.240 is hereby amended to read as follows:

5.28.240 Contributions.

A. Nonelective Contributions.

1. Except as otherwise provided herein, each month the County shall contribute to the Plan on behalf of each Participant an amount equal to the greater of \$~~770~~810.00 beginning the 20035 Plan Year or the amount designated in subsection A1a or b below, whichever is applicable:

a. 14.5 percent of the Participant' s Compensation for the preceding month if the Participant is a Retirement Plan A, B, C, or D Member, and has completed less than five years of continuous service as of the commencement of the current Plan Year;

b. 17.0 percent of the Participant' s Compensation for the preceding month if the Participant is a Retirement Plan A, B, C, or D Member and has completed five or more years of continuous service as of the commencement of the current Plan Year, or if he is a Retirement Plan E Member; provided, however, that the

percentage figures set forth in the following table shall apply in lieu of said 17.0 percent for any Participant, regardless of retirement plan, who has completed 10 or more years of continuous service as of January 1, 1991:

Continuous Service As of January 1, 1991	Nonelective Contribution
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14 years or more	19.0%

2. In no event shall a Nonelective Contribution be made on behalf of any Participant who has not been in a pay status for at least eight hours during the prior month. Nonelective Contributions shall be reflected in County payroll warrants issued on or about the fifteenth day of the month following the month in which the requisite pay status was completed.

B. Elective Contributions. Each Eligible Employee prior to commencing his participation in the Plan and each Participant prior to the beginning of a Plan Year may irrevocably elect to have an additional dollar amount contributed by the County during a Plan Year for each month that he participates in the Plan as an Elective Contribution, not to exceed his Eligible Earnings for such month, and to have his Eligible Earnings reduced each month by an amount equal to such Elective Contribution; provided,

however, that no Elective Contributions shall be contributed for any Participant if he has not been in a pay status for at least eight hours during the prior month. Such Elective Contribution on behalf of a Participant each month shall be equal to the amount necessary to fund the Taxable Benefits and/or Nontaxable Benefits chosen by such Participant pursuant to the election procedure set forth in Section 5.28.260A after first applying the Nonelective Contribution for such month to the cost of such Taxable Benefits and/or Nontaxable Benefits. In the event of contractual renegotiation, change in method of funding, or substitution of a Taxable Benefit and/or Nontaxable Benefit during a Plan Year, the County, without prior notice to Participants, may automatically adjust the Elective Contributions made for and/or the Eligible Earnings paid to, Participants who have selected such Taxable Benefits and/or Nontaxable Benefits, in accordance with increases or decreases in the cost of the Taxable Benefits and/or Nontaxable Benefits.

SECTION 5. Section 5.36.029 is hereby amended to read as follows:

5.36.029 Contribution to health insurance for non-student part-time employees.

A. In addition to the eligible employees designated in Sections 5.36.025 and 5.36.027, employees meeting the criteria in subsection B of this section, who are enrolled in a County sponsored health plan, or a County approved union sponsored

health plan, shall be entitled to a monthly contribution toward the payment of the premiums for such plan. The amount of the monthly contribution shall be the lesser of the monthly premium or the contribution provided in subsection A of Section 5.36.025.

B. The provisions of this section shall apply to each daily as-needed, daily recurrent, hourly as-needed, hourly recurrent, monthly permanent 3/4 time and monthly permanent 4/5 permanent time (designated as C, E, F, H, Y and Z, respectively, in Section 6.28.020 of this Code) who:

1. Has been in a pay-status for an average of 30 hours a week for the three consecutive months prior to enrollment in the County sponsored health plan. For purposes of this section, an employee will be deemed to have worked an average of 30 hours per week if, in the aggregate, he has been compensated the following number of hours over three consecutive months:

- a. 378 hours if employed on a daily or hourly basis,
- b. 534 hours if employed on a monthly temporary or monthly recurrent basis or on a 3/4 time or 4/5 time monthly permanent basis;

2. Is not employed in a position compensated pursuant to the Physician Pay Plan, or

3. Is not employed in any of the following positions:

Item No.	Title
3422	Civil Engineering Student
8338	Librarian Intern
5118	Sr. Student Worker, Nursing

9339	Student Case Worker, NC
9345	Student Diagnostic Ultrasound Tech
8244	Student Intern Worker
9240	Student Medical Social Worker, NC
5792	Student Nuclear Medicine Technician
5355	Student Nurse - Midwife
8243	Student Professional Worker
9343	Student Psychiatric Case Worker, NC
5791	Student Radiation Therapy Tech
9342	Student Therapist, NC
8242	Student Worker
5113	Student Worker, Nursing
9344	Student X-Ray Technician (1st Year), NC
9344	Student X-Ray Technician (2nd Year), NC

C. No contribution shall be made on behalf of any employee if he has not been in a pay status at least eight hours of the prior month.

D. An employee shall become ineligible for the County contribution effective July 1st, if an employee is in a pay-status for an average of less than 30 hours a week during January, February, and March of the year following the year the employee is first eligible for this County contribution.

E. In no event shall the County contribute to more than one health plan at one time for each employee. "Health Plan" for this purpose includes a health plan provided by the Los Angeles County Employees Retirement Association.

F. In no event shall the subsidy provided for in this Section 5.36.029 be payable prior to the pay day occurring on or about the fifteenth day of the month occurring four months after the requirements set forth in subsection B have been met. All employees who qualify for the subsidy shall qualify on the basis of hours worked subsequent to January 1, 2001. No subsidy payment shall be payable prior to the pay day occurring on or about July 13, 2001.

SECTION 6. Pursuant to Sections 25123 (e) and 25123 (f) of the Government Code, this ordinance shall take effect immediately. If this ordinance becomes effective after October 1, 2004, it shall be construed and applied as if it were effective and operative on and after October 1, 2004.

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